IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 10363 of 2007(H)

PETITIONER:

K.V.VARGHESE,
FORESTER (UNDER SUSPENSION), KODANAD RANGE,
MALAYATTOOR DIVISION.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:

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1. THE CHIEF CONSERVATOR OF FORESTS
(ADMINISTRATION), THIRUVANANTHAPURAM.

2. THE DIVISIONAL FOREST OFFICER,
MALAYATTOOR DIVISION, MALAYATTOOR.

3. THE DIVISIONAL FOREST OFFICER,
FLYING SQUAD, ERNAKULAM.

4. THE CHIEF FOREST CONSERVATOR(VIGILANCE),
THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.10363 of 2007

Dated this the 29th day of March, 2007

JUDGMENT

The petitioner, while working as Forester, has been placed under suspension as per Ext.P1 order dated 23.3.2007 passed by the first respondent. The grounds for passing Ext.P1 order have been briefly stated therein. The petitioner submits that the correct factual position has not been ascertained before issuing Ext.P1 order. It is submitted that there remains only 7 months for the petitioner to retire and the order of suspension at this juncture will invite unbearable hardship to him.

2. The petitioner has rightly approached the first respondent himself under Rule 10(6) of the Kerala Civil Services (Classification, Control and Appeal)Rules 1960 requesting to revoke the order of suspension and to reinstate him in service.

3. Counsel for the petitioner has invited my attention to the various contentions taken in Ext.P5 representation filed by him

before the first respondent.

4. I have heard the Government Pleader for the respondents.

5. It is not necessary for me to reproduce facts and contentions stated by the petitioner in Ext.P5 as I have no reason to assume that the first respondent will not look into those aspects while exercising its statutory duty under Rule 10 (6) of the Kerala Civil Services (Classification, Control and Appeal) Rules 1960. It is, however, necessary that the first respondent shall be directed to take decision on Ext.P5 within a time frame. Accordingly, the writ petition is disposed of directing the first respondent to consider Ext.P5 on merits and with respect to all relevant records and pass orders in accordance with law, as early as possible, at any rate, within three weeks from the date of receipt of a copy of the judgment. It is open to the first respondent to consider the request made by the petitioner that in case the said respondent feels it improper to post him in the very same place, the possibility of he being posted in a place of lesser importance or a place from where he will not have the

chance of interfering with the enquiry or investigation into the allegations, can be examined.

K.K.DENESAN, JUDGE

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